

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Gary E. Thomas,

Plaintiff(s),

vs.

Central Research, *et al.*,

Defendant(s).

2:20-cv-01777-RFB-MDC

**Order**

Pro se plaintiff, Gary E. Thomas, had a proof of service deadline of January 22, 2024. ECF No. 7. To date, Mr. Thomas has not filed proof of service for either defendant. The Court orders Mr. Thomas to show cause as to why his Complaint (ECF No. 7) should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Rule 4(m) provides in relevant part: “If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.* Mr. Thomas is reminded that Rule 4(c)(1) of the Federal Rules of Civil Procedure makes it clear that “[t]he plaintiff is responsible for having the summons and complaint served within the time allowed under Rule 4(m).” *See Brown v. Am. Homes 4 Rent*, 2023 U.S. Dist. LEXIS 220806, \* 2 (D. Nev. Dec. 12, 2023). Mr. Thomas has until **April 12, 2024**, to file: (a) Affidavit of Service for each defendant; or (b) a motion requesting an extension of time to serve defendants in which Mr. Thomas must also show good cause why he has previously failed to serve the defendants.

Accordingly,

**IT IS ORDERED that:**

1. Plaintiff show cause as to why his Complaint (ECF No. 7) should not be dismissed;
2. Plaintiff file proof of service OR file a motion for request to extend time to serve defendants by **April 12, 2024**.

**NOTICE**

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

DATED this 12<sup>th</sup> day of March 2024.

IT IS SO ORDERED.



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Maximiliano D. Corvillier III  
United States Magistrate Judge